

PORT ORDINANCE NO. 4532

ORDINANCE APPROVING TWO SPACE/USE PERMITS WITH TWO AIRLINE SERVICES PROVIDERS - PROSPECT INTERNATIONAL AIRPORT SERVICES CORPORATION AND STANDARD AERO SERV, LLC - EACH FOR TERMS EXPIRING JUNE 30, 2023, FOR AGGREGATE ESTIMATED ANNUAL REVENUE OF \$303,000 (TOTAL FOR BOTH), OPERATING AT OAKLAND INTERNATIONAL AIRPORT.

**WHEREAS**, the Board has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated September 12, 2019 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

**Section 2.** The Board hereby approves the terms and conditions set forth in the Agenda Report for (i) the Space/Use Permit ("SUP") with Prospect International Airport Services Corporation ("Prospect") for a term expiring June 30, 2023, with a 30-day termination provision by either party, for consideration of a minimum monthly fee of \$250.00 or 10% of gross revenues, whichever is greater, and a performance deposit of \$100,000, as described in the Agenda Report, and (ii) the SUP with Standard Aero Serv, LLC ("Standard Aero") for a term expiring June 30, 2023, with a 30-day termination provision by either party, for consideration of a minimum monthly fee of \$250.00 or 10% of gross revenues, whichever is greater, and a performance deposit of \$5,000, as described in the Agenda Report.

**Section 3.** The Board hereby authorizes the Executive Director to execute the SUP with Prospect and the SUP with Standard Aero, and to make such additions, modifications, or corrections as necessary to implement the SUPs or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that this action is categorically exempt from requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No changes to the premises or use are proposed.

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

The Board of Port Commissioners, Oakland, California, September 12, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly

Secretary of the Board